GOVERNMENT OF INDIA
FINANCE
LOK SABHA

UNSTARRED QUESTION NO:4939
ANSWERED ON:31.03.2017
Pending Tax Cases
Choudhary Shri Ram Tahal;Devi Smt. Rama;Reddy Shri Konda Vishweshwar

Will the Minister of FINANCE be pleased to state:

(a) the details of total tax related Government cases pending before different High Courts and Supreme Court;
(b) Whether the Government has evolved any criteria/guidelines regarding filing of appeals in higher courts and if so, the details thereof;
(c) the number of pending income tax cases before Commissioner of Income Tax and Income Tax Appellate Tribunal;
(d) whether the Government has devised any mechanism for speedy disposal of appeals by identifying cases involving huge amounts; and
(e) if so, the details thereof along with the success achieved in this regard?

Answer

ANSWER
MINISTER OF STATE IN THE MINISTRY OF FINANCE
(SHRI SANTOSH KUMAR GANGWAR)

(a): The details of total tax related government cases pending before Supreme Court and High Court are as under:

Appellate Forum No. of pending appeals
Direct Tax As on Date Indirect Tax (as on 31.1.17)
High Court 41960 31.12.16 13893
Supreme Court 5272 30.9.16 2904

(b): Direct Tax

Central Board of Direct Tax has fixed the monetary limits of filing of appeals before ITAT, High Courts and Supreme Court are as follows:

Sl. No. Forum Amount in Lakhs
1 ITAT 10
2 High Court 20
3 Supreme Court 25

Further appeal is required to be filed in these appellate forums "on merits" even if the tax effect exceeds the monetary limits as stated above.

Indirect Tax

Central Board of Excise & Customs has from time to time issued instructions to the field formations for exercising discretion in filing the Appeals to High Court and Supreme Court.

CBEC has instructed the field formation not to file appeals in cases where the issues have already been settled by the decision of Supreme Court and also in cases involving amount below the prescribed threshold limits that is as follows:

S. No. Forum Amount in Lakhs
1 High Court 20
2 Supreme Court 25

(c): The number of cases pending before CIT (Appeals) and ITAT are as under:

Appellate Forum No. of pending appeals As on date
CIT(Appeals) 280547 31.01.2017
ITAT 88370 31.12.2016

(d): Yes, Madam.
(e): Direct Tax

Based on the analysis of all the pending appeals before the CIT(Appeals) it was found that a total disputed demand of about Rs. 3.5

Lakh Crore (Rupees three-and-half Lakh Crore) was locked up in just 620 appeals. These appeals have a disputed demand in excess of Rs. 100 Crore in each case. These 620 appeals were identified region-wise and their disposal were prioritised. Out of these 620 cases, 188 cases have been disposed till date in which an amount of Rs.1.14 lakh crore has been unlocked.

Indirect Tax

Field formations have been instructed from time to time to identify the case having huge revenue implications and make an application for early hearing of these cases. However, both Supreme Court and High Court have shown reluctance in taking the case for early hearing on revenue considerations.

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